IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 15154 of 2007(D)

PETITIONER:

SUNILKUMAR P.B., AGED 38 YEARS,
S/O. P.K.BALAKRISHNAN, PEEDIAKKAL HOUSE,
NJARAKKAL P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:

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1. **THE ASSISTANT EXECUTIVE ENGINEER,**
   KERALA WATER AUTHORITY SUB DIVISION OFFICE,
   N.PARAVUR.

2. **THE ASSISTANT ENGINEER,**
   KERALA WATER AUTHORITY, NJARAKKAL.

3. **A.R.SUGATHAN, LICENSED PLUMBER,**
   ANJILIKKAL HOUSE, MANJANAKKAD ROAD, NJARAKKAL.

4. **MRS. LALITHA, W/O. GOPI,**
   KAITHAVALAPPIL HOUSE, NARAKKAL.

BY ADV. SRI.M.T.BALAN for R3
SRI.M.DINESH, SC FOR K.W.A.
SRI.SHAJI THANKAPPAN)
SRI.SUBHASH CHANDRAN) for R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.15154/2007 D

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE APPLICATION FOR WATER SUPPLY DTD. 27/09/2006.**

EXT.P2: **COPY OF THE RECEIPT ISSUED BY THE NJARAKKAL GRAMA PANCHAYAT DTD. 21/11/2006.**

EXT.P3: **COPY OF THE CONSENT LETTER DTD. 14/03/2007.**

EXT.P4: **COPY OF THE SKETCH DTD. NIL.**

EXT.P5: **COPY OF THE RECEIPT ISSUED BY THE K.W.A. DTD. 17/04/2007.**

EXT.P6: **COPY OF THE WORK ORDER ISSUED BY THE K.W.A. DTD. 17/04/2007.**

EXT.P7: **COPY OF THE NOTICE ISSUED BY SRI. P.P.SUBHASH CHANDRAN, ADVOCATE DTD. 02/05/2007.**

EXT.P8: **COPY OF THE LETTER OF THE NJARAKKAL GRAMA PANCHAYAT DTD. 11/06/2007.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC,J.

W.P (C) No. 15154 of 2007

Dated this the 16th October, 2007

J U D G M E N T

The request of the petitioner for a water connection stands deferred on account of the objection raised by the 4th respondent. Apparently, the alignment for pipeline was through the eastern side of the 4th respondent's property and he had raised objection to the same. He had also caused a lawyer notice issued to the water authority and that stopped the entire proceedings.

2. Petitioner has produced Exhibit-P8 communication from the Njarakkal Grama Panchayat to the effect that alignment in question is passing only through a Panchayat road.

3. Learned Standing Counsel for the Water Authority would submit that when steps were taken, that was resisted by the 4th respondent contending that the alignment was through his property and it was on that basis they had to discontinue the work. Water Authority also submits that if it is through the Panchayat Road, they have no objection in proceeding with the work.

4. In view of this, Water Authority will verify Exhibit-P4 alignment in the light of Exhibit-P8 and if it is through the Panchayat Road as mentioned in Exhibit-P8, without further delay the work will be continued.

With these directions, the writ petition is disposed of.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007